IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

SHIRLEY J. BRINKLEY,	§	
	8	
Plaintiff,	§	
	8	
VS.	8	Case No. 4:10-CV-00274-SOW
	§	
PFIZER, INC.,	§	
WYETH, LLC f/k/a WYETH, INC.,	§	
SCHWARZ PHARMA, INC., and	§	
PLIVA, INC. f/k/a SIDMAK	8	
LABORATORIES, INC.,	8	
	8	
Defendants.	§	

JOINT MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiff Shirley J. Brinkley has agreed to dismiss this cause of action without prejudice as to Plaintiff's claims against Defendants Pfizer Inc., Wyeth LLC (f/k/a Wyeth, Inc.), and Schwarz Pharma, Inc. n/k/a UCB, Inc., (collectively "Brand Defendants"). Brand Defendants do not object to the dismissal of this cause of action without prejudice, subject to the following conditions:

- Plaintiff agrees that, in the event she re-files a lawsuit against any or all of the Brand
 Defendants that concerns or relates to the subject matter of this action, such lawsuit
 shall be filed in the United States District Court for the Western District of
 Missouri.
- 2. Plaintiff further agrees that in the event she re-files such lawsuit, any discovery that has taken place in this action can be used in any such lawsuit re-filed by Plaintiff.
- 3. Brand Defendants agree that in the event Plaintiff re-files such lawsuit, Brand Defendants will not move to dismiss the re-filed case pursuant to the "two-dismissal rule" of Fed. R. Civ. P. 41(a).
- 4. Brand Defendants reserve all other defenses that they may have to such lawsuit.

Plaintiff agrees to the above conditions and wishes to dismiss her claims against Brand Defendants in the instant lawsuit without prejudice to re-filing. There are no counter-claims or third-party claims. Nothing in this Joint Motion shall constitute a waiver of any rights or defenses the Brand Defendants may have in any litigation that concerns or relates to the subject matter of this action.

WHEREFORE, the parties hereto stipulate to the dismissal of the claims of Plaintiff against Brand Defendants in the above-styled lawsuit without prejudice to re-filing, subject to the conditions stated above.

HEPLERBROOM LLC

By: __/s/ Gerard T. Noce_

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October 2013, I electronically filed this Joint Motion to Dismiss without Prejudice with the Clerk of Court using the Court's CM/ECF system, which sent notification of such filing to the attorneys of record herein.

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_/s/ J. Scott Bertram